

EXHIBIT C

Transcript of Howard Myatt
Conducted on March 28, 2018

1 (1 to 4)

1	IN THE UNITED STATES DISTRICT COURT	1	A P P E A R A N C E S
2	FOR THE EASTERN DISTRICT OF VIRGINIA	2	ON BEHALF OF PLAINTIFF:
3	ALEXANDRIA DIVISION	3	ROBERT STERN, ESQUIRE
4	*****X	4	EQUAL EMPLOYMENT OPPORTUNITY
5	UNITED STATES EQUAL :	5	COMMISSION - PHILADELPHIA
6	EMPLOYMENT OPPORTUNITY :	6	801 Market Street - Suite 1300
7	COMMISSION, : Civil Action No.	7	Philadelphia, Pennsylvania 19107
8	Plaintiff, : 1:17-cv-1084	8	215.440.2868
9	v. : (AJT/JFA)	9	
10	CAMBER CORPORATION,	10	ON BEHALF OF DEFENDANT:
11	Defendant.	11	ROBERT ORTBALS, JR., ESQUIRE
12	*****X	12	CONSTANGY BROOKS, SMITH & PROPHETE, LLP
13		13	7733 Forsyth Boulevard - Suite 1225
14	Deposition of HOWARD MYATT	14	St. Louis, Missouri 63105
15	McLean, Virginia	15	314.925.7270
16	Wednesday, March 28, 2018	16	
17	9:25 a.m.	17	
18		18	
19		19	
20	Job No.: 179323	20	
21	Pages: 1 - 117	21	
22	Reported By: Janice Jones, RPR, CLR	22	
2		4	
1	Deposition of HOWARD MYATT, held at the offices of:	1	A P P E A R A N C E S C O N T I N U E D
2		2	ON BEHALF OF EXECUTIVE OFFICE FOR IMMIGRATION REVIEW:
3		3	MARIA N. COLEMAN, ESQUIRE
4	Planet Depos - Tysons Corner	4	OFFICE OF THE GENERAL COUNSEL
5	8720 Greenshore Drive	5	EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
6	Suite 110	6	ASSOCIATE GENERAL COUNSEL
7	McLean, Virginia 22102	7	EMPLOYEE AND LABOR RELATIONS UNIT
8	888.433.3767	8	5107 Leesburg Pike
9		9	Falls Church, Virginia 22041
10		10	703.756.8426
11		11	
12		12	
13	Pursuant to notice, before Janice Jones, RPR, CLR,	13	
14	Notary Public in and for the Commonwealth of Virginia.	14	
15		15	
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2 (5 to 8)

<p style="text-align: center;">INDEX</p> <p style="text-align: right;">Page</p> <p>By Mr. Stern 7</p> <p>By Mr. Ortals 110</p> <p style="text-align: center;">EXHIBITS</p> <p style="text-align: right;">Page</p> <p>Exhibit 1 Subpoena to Produce Documents Information, or Objects or to Permit Inspection of Premises in A Civil Action 6</p> <p>Exhibit 2 Letter - March 23, 2018 U.S. Department of Justice 6</p> <p>Exhibit 3 Schedule B 6</p> <p>Exhibit 4 E-mail Chain - September 9, 2014 6</p> <p>Exhibit 5 E-mail - October 1, 2014 6</p> <p>Exhibit 6 Letter - October 17, 2014 6</p> <p>Exhibit 7 Statement of Work 6</p>	<p>1 address you just recited?</p> <p>2 A Correct.</p> <p>3 Q With respect to Camber Corporation, the</p> <p>4 defendant in this case, what position do you have?</p> <p>5 A I was the contracting officer</p> <p>6 representative for that contract, and I am the</p> <p>7 applications development chief for OIT.</p> <p>8 Q That is sometimes called or referred to as</p> <p>9 COTR, C-O-T-R?</p> <p>10 A It used to be. They changed the name a few</p> <p>11 years back.</p> <p>12 Q What is the acronym now?</p> <p>13 A Contracting officer representative. They</p> <p>14 just got rid of the "technical."</p> <p>15 Q Did you have any role on that contract</p> <p>16 under a predecessor company?</p> <p>17 A Camber bought out Avaya and inherited</p> <p>18 Avaya's contract and contract team.</p> <p>19 Q You were COTR for the contract when it was</p> <p>20 under Avaya, too?</p> <p>21 A Correct.</p> <p>22 Q When did you start being the COTR on the</p>
<p style="text-align: center;">PROCEEDINGS</p> <p>THEREUPON,</p> <p>HOWARD MYATT,</p> <p>called as a witness on behalf of the Plaintiff and,</p> <p>after first having been duly sworn or affirmed, was</p> <p>examined and testified as follows:</p> <p>(Thereupon, Deposition Myatt Exhibit</p> <p>Numbers 1 through 7 were marked for identification.)</p> <p style="text-align: center;">DIRECT EXAMINATION</p> <p>BY MR. STERN:</p> <p>Q Good morning. Could you please state your</p> <p>name and business address for the record?</p> <p>A Howard Myatt, and business address would be</p> <p>5170 (sic), Leesburg Pike, Falls Church, Virginia.</p> <p>Q I'm Jeffrey Stern. I'm the attorney for</p> <p>plaintiff, EEOC, in this case.</p> <p>You are working for what employer? Who is</p> <p>your employer?</p> <p>A I work for the Office of Information</p> <p>Technology for the Executive Office of Immigration</p> <p>Review -- for Immigration Review, sorry.</p> <p>Q And your workstation was the business</p>	<p>Avaya contract?</p> <p>A The middle of 2011.</p> <p>Q You remained the COTR -- what is that</p> <p>acronym?</p> <p>A COR.</p> <p>Q COR, until when?</p> <p>A Until the contract concluded, which would</p> <p>have been July 30, 2016.</p> <p>Q What was the gist of the contract service</p> <p>that had been provided by Camber?</p> <p>A Camber was providing IT services on site</p> <p>for the purposes of maintaining, modifying and building</p> <p>new applications for the Executive Office for</p> <p>Immigration Review.</p> <p>Q Was that the same and also true with</p> <p>respect to Avaya?</p> <p>A Yes, it was. Same -- same statement of</p> <p>work.</p> <p>Q You indicated the contract with Camber</p> <p>expired in January 2017?</p> <p>A 2016, sir.</p> <p>Q 2016. Was there a successor contract for</p>

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4 (13 to 16)

13	<p>1 talk about the content of Exhibit 4 to your deposition.</p> <p>2 A Okay, sir.</p> <p>3 Q You have seen all of the documents</p> <p>4 collected in Exhibit 4 to your deposition before</p> <p>5 looking at them today?</p> <p>6 A Yes, sir.</p> <p>7 Q Is Exhibit 4 to your deposition the</p> <p>8 collection of documents responsive to the Items 1, 2, 3</p> <p>9 at the bottom of Page 1 of Exhibit 2 to your</p> <p>10 deposition, the collection of DCIOs?</p> <p>11 A Yes, sir, I believe they are.</p> <p>12 Q The collection of DCIOs in Exhibit 4 to</p> <p>13 your deposition, was received by you from Atif?</p> <p>14 A Atif.</p> <p>15 Q Atif Khalil?</p> <p>16 A Atif Khalil, yes.</p> <p>17 Q Who was Atif Khalil with regard to the</p> <p>18 Camber and Avaya project?</p> <p>19 A Atif was the program manager employed by</p> <p>20 Camber, so he would be the highest ranking Camber/Avaya</p> <p>21 employee on premise.</p> <p>22 Q Was he the program manager during the whole</p>	15
14	<p>1 A Program manager, yes.</p> <p>2 Q Program manager for the contractor, was</p> <p>3 there any designated alternate program manager?</p> <p>4 A No.</p> <p>5 Q Directing your attention to the top page of</p> <p>6 Exhibit 4 to your deposition --</p> <p>7 A (Indicating.)</p> <p>8 Q -- that is the first responsive DCIO that</p> <p>9 you collected, responsive to the subpoena?</p> <p>10 A Yeah.</p> <p>11 Q All right. And it's an e-mail from Khalil</p> <p>12 to you and others?</p> <p>13 A Correct.</p> <p>14 Q And the subject says, "Weekly Program</p> <p>15 Review Meeting (09/09/14).</p> <p>16 What was a "Weekly Program Review Meeting"</p> <p>17 on this project?</p> <p>18 A That would be myself, the alternate COR</p> <p>19 Dave Fruehwald, the at the time Deputy CIO for software</p> <p>20 development, Kate Ahn, and Atif getting together for</p> <p>21 about a half an hour to discuss anything relevant to</p> <p>22 the project and what its potential impacts might be.</p>	16
14	<p>1 period, Avaya through the end of the Camber contract?</p> <p>2 A No. There were several predecessors prior</p> <p>3 to Atif. One of them's first name was Robin. I cannot</p> <p>4 remember his last name. Prior to that, they had</p> <p>5 another program manager in there. But that was before</p> <p>6 I took over as COR.</p> <p>7 Q That would be before 2011?</p> <p>8 A Yes.</p> <p>9 Q The entire time that you were COR on this</p> <p>10 project of -- during Avaya and Camber, was there any</p> <p>11 other PM than Mr. Khalil?</p> <p>12 A For the first six or seven months that I</p> <p>13 was there, Robin was the PM, and then Avaya replaced</p> <p>14 him.</p> <p>15 Q You had mentioned that there was an</p> <p>16 alternate COTR or COR for you designated in the</p> <p>17 Statement of Work?</p> <p>18 A It would actually be designated in the</p> <p>19 contracting document.</p> <p>20 Q Designated in the contracting document.</p> <p>21 During Mr. Khalil's tenure as the PM -- is</p> <p>22 that a proper reference?</p>	16
16	<p>1 Q Were these meetings on a fixed day every</p> <p>2 week or vary from day to day?</p> <p>3 A Typically, we held them Tuesday afternoons.</p> <p>4 It tended to move around to accommodate Kate's</p> <p>5 schedule.</p> <p>6 Q You mentioned Kate as Deputy CIO or what is</p> <p>7 CIO?</p> <p>8 A Deputy chief information officer.</p> <p>9 Q Again, returning to the top page of</p> <p>10 Exhibit 4, the first e-mail, it says, "Date, Tuesday,</p> <p>11 September 9th."</p> <p>12 So Tuesday was the routine day for --</p> <p>13 A At that point in time. Now we hold them on</p> <p>14 Wednesdays.</p> <p>15 Q All right. The timestamp says, "1:13 p.m."</p> <p>16 on that day?</p> <p>17 A Yes, sir.</p> <p>18 Q That was sent and received by you before</p> <p>19 that day's meeting. Is that correct?</p> <p>20 A That's correct.</p> <p>21 Q So the meeting would have been after 1:13</p> <p>22 p.m.?</p>	16

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5 (17 to 20)

<p style="text-align: right;">17</p> <p>1 A Typically, we held them about 3:00 p.m.</p> <p>2 Q There are three attachments listed on</p> <p>3 the --</p> <p>4 A Yes, sir.</p> <p>5 Q -- e-mail on Page 1 to Exhibit 4. One is</p> <p>6 an IT budget. It says, "FY," fiscal year 2014?</p> <p>7 A Correct.</p> <p>8 Q Then the next one says, "v20."</p> <p>9 What is the "v"?</p> <p>10 A That was, I believe, the organization chart</p> <p>11 for the contractor.</p> <p>12 Q Directing your attention to the three</p> <p>13 attachments listed on that page, the one I am</p> <p>14 discussing, it says, "xls."</p> <p>15 That is the spreadsheet?</p> <p>16 A Yes, that would be the budget spreadsheet.</p> <p>17 Q The bottom item says, "DOJ EOIR org."</p> <p>18 Do you understand when I say, EOIR org," I</p> <p>19 mean E-O-I-R?</p> <p>20 A EOIR, just like the character.</p> <p>21 Q From the book?</p> <p>22 A Yes.</p>	<p style="text-align: right;">19</p> <p>1 Q Same thing for the next item that is "Org</p> <p>2 Chart Version 18"?</p> <p>3 A Yes.</p> <p>4 Q That is referencing those attachments?</p> <p>5 A That referencing the two other attachments,</p> <p>6 yes, sir.</p> <p>7 Q Then the "Staffing" topic is populated by a</p> <p>8 number of filled-in bullet points. Yes?</p> <p>9 A Yes, sir.</p> <p>10 Q This is the first instance of a DCIO that</p> <p>11 you found that mentioned Ashok Pai?</p> <p>12 A Yes, it is.</p> <p>13 Q Who was Ashok Pai?</p> <p>14 A He was a DotNetSharePoint developer</p> <p>15 employed by Camber on this contract.</p> <p>16 Q What does that mean?</p> <p>17 What is the DotNetSharePoint? What are</p> <p>18 those things?</p> <p>19 A SharePoint is a document management and</p> <p>20 content management platform that is marketed by</p> <p>21 Microsoft. EOIR uses this as one of its application</p> <p>22 platforms.</p>
<p style="text-align: right;">18</p> <p>1 Q Understand. "EOIR ORG STRUCTURE, FY 18."</p> <p>2 A That would be the org chart. That would be</p> <p>3 a Vizio diagram.</p> <p>4 Q A graphic?</p> <p>5 A Yes.</p> <p>6 Q And the middle one, what is that?</p> <p>7 A The one that begins with "DCIO-PM" would be</p> <p>8 the agenda for the meeting. That would be the items</p> <p>9 that Atif planned to make us aware of.</p> <p>10 Q Then the second page of this exhibit --</p> <p>11 A (Indicating.)</p> <p>12 Q -- that was the PM for 09/09/14 DCIO that</p> <p>13 you have just referenced?</p> <p>14 A Yes, sir.</p> <p>15 Q There were a variety of topics that were</p> <p>16 listed with little circles, and then bullet points</p> <p>17 underneath various ones.</p> <p>18 A Yes.</p> <p>19 Q The first one says, "FY Budget ver 20."</p> <p>20 Is that version 20, the first bullet item</p> <p>21 under administration?</p> <p>22 A Yes.</p>	<p style="text-align: right;">20</p> <p>1 DotNet is a software development framework</p> <p>2 also marketed by Microsoft. We use that for building</p> <p>3 custom applications.</p> <p>4 Q Was the description you just gave regarding</p> <p>5 Ashok Pai's position, was that true during your entire</p> <p>6 tenure as a PM until he separated?</p> <p>7 A Yes, sir. That was the development team he</p> <p>8 was on.</p> <p>9 Q Returning to the "Staffing," first bullet</p> <p>10 point Exhibit --</p> <p>11 A (Indicating.)</p> <p>12 Q -- 4, Page 2 of your deposition, the topic</p> <p>13 there says, "Resignations - Ashok Pai," and there is a</p> <p>14 parenthetical, "(10/31/14)."</p> <p>15 That was a topic that was brought to your</p> <p>16 attention in the DCIO PM weekly?</p> <p>17 A Yes, sir.</p> <p>18 Q Was the resignation of Ashok Pai that is</p> <p>19 bullet-pointed, was this brought to your attention</p> <p>20 before then?</p> <p>21 A No, this was the first notice we had that</p> <p>22 he had resigned.</p>

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6 (21 to 24)

21	<p>1 Q Was that discussed during that week's</p> <p>2 weekly meeting?</p> <p>3 A Almost certainly, but I really can't</p> <p>4 remember what the discussion was. It was four years</p> <p>5 ago.</p> <p>6 Q No recollection of anything that the Camber</p> <p>7 PM said during that meeting about Ashok Pai?</p> <p>8 A No, sir.</p> <p>9 Q No recollection of anything the EOIR</p> <p>10 representative said at that meeting about Ashok Pai?</p> <p>11 A No, sir. I --</p> <p>12 Q Next bullet point, "Departures."</p> <p>13 Mr. Khalil indicated "None." Is that correct?</p> <p>14 A Correct.</p> <p>15 Q All right. One person is mentioned in the</p> <p>16 on boarding bullet point?</p> <p>17 A Yes, sir.</p> <p>18 Q Various upcoming absences, key personnel</p> <p>19 are listed. Yes?</p> <p>20 A Yes, sir.</p> <p>21 Q No remarks about training?</p> <p>22 A None.</p>	23
22	<p>1 clearance from OMB, but it takes about two years, so</p> <p>2 what happens is once OMB opens an investigation, our</p> <p>3 physical security office runs a background check on</p> <p>4 them and a financial check on them and then issues a</p> <p>5 waiver that allows us to on-board them until the</p> <p>6 investigation at OMB finishes.</p> <p>7 At which point then the contractor can</p> <p>8 bring them on board.</p> <p>9 Q Any substantive discussion of persons</p> <p>10 proposed to be on-boarded by the PM?</p> <p>11 By "substantive," I mean qualifications,</p> <p>12 what they would do, pros and cons regarding the</p> <p>13 individual.</p> <p>14 A Typically, we would have a discussion about</p> <p>15 the skill set. At any given time as you can see from</p> <p>16 going through here, we would have a fair amount of</p> <p>17 turnover on the contracts. So there would be three,</p> <p>18 four, five positions open.</p> <p>19 If you look at the Statement of Work, if we</p> <p>20 don't have a fixed team size for any of the skill sets,</p> <p>21 it can fluctuate depending on how much work we have for</p> <p>22 the Cold Fusion team, the COGNOS team, the SharePoint</p>	24
22	<p>1 DotNet team.</p> <p>2 So the contractor and the government has a</p> <p>3 lot of flexibility. The government can say, "We are</p> <p>4 not going to be doing that much DotNet work. We can</p> <p>5 shrink that team down and use the money" -- because</p> <p>6 what we are really managing is the money -- "to</p> <p>7 increase the size of the Cold Fusion team or in</p> <p>8 reverse, we anticipate a lot of DotNet development over</p> <p>9 the next couple of months to a year. We need to</p> <p>10 increase the size of that team," and as long as the</p> <p>11 money doesn't change, it really does not have to</p> <p>12 involve the contracting officer.</p> <p>13 Q Returning briefly to that topic,</p> <p>14 "Recruitment."</p> <p>15 A (Indicating.)</p> <p>16 Q I'm sorry. I didn't mean to interrupt.</p> <p>17 Was there --</p> <p>18 A No, that's okay. No, I was done.</p> <p>19 Q It may be presumptuous of me, but I assume</p> <p>20 you -- have ever testified before?</p> <p>21 A No, sir.</p> <p>22 Q In a deposition or in court?</p>	24

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7 (25 to 28)

25	<p>1 A In court, yes.</p> <p>2 Q Testimony in a deposition is similar to</p> <p>3 that in court except there is no judge here to rule on</p> <p>4 objections, if any are made.</p> <p>5 There is no jury here to listen to what you</p> <p>6 have to say, but the question-and-answer format is the</p> <p>7 same. You appear to understand that from our</p> <p>8 discussion. Is that correct?</p> <p>9 Do you understand the lawyer asks the</p> <p>10 question and the witness answers?</p> <p>11 A Yes, sir.</p> <p>12 Q You also understand that if you can't hear</p> <p>13 the question, you need to let me know so that we can</p> <p>14 have the reporter read it back?</p> <p>15 A Yes, sir.</p> <p>16 Q And that I assume you have heard every</p> <p>17 question unless you tell me you didn't?</p> <p>18 A Yes, sir.</p> <p>19 Q Same thing for understanding. I will</p> <p>20 assume you understand a question unless you tell me you</p> <p>21 did not understand it?</p> <p>22 A Yes, sir.</p>	27	<p>1 I assume Hang is a name or surname of an</p> <p>2 individual who had separated?</p> <p>3 A Yes, sir.</p> <p>4 Q What is backfill? What does that mean?</p> <p>5 A In this case since we still needed that</p> <p>6 amount of testing capacity, we would have requested</p> <p>7 that they bring in another tester to replace the one</p> <p>8 that had left.</p> <p>9 Q Following that parenthetical, it says,</p> <p>10 "ISE2."</p> <p>11 What is that acronym? What is ISE</p> <p>12 referring to?</p> <p>13 A That would be the labor category. So the</p> <p>14 ISE2 is, I believe, information systems engineer.</p> <p>15 Q So that was the labor category of the</p> <p>16 position to be backfilled after Hang.</p> <p>17 Is that the first name or surname there?</p> <p>18 A Honestly, I can't remember.</p> <p>19 Q Backfill of the Hang position?</p> <p>20 A Yes.</p> <p>21 Q In that instance following "ISE2," it says,</p> <p>22 "\$68.43" after a dollar sign.</p>
26	<p>1 Q I wonder if I could have my last</p> <p>2 substantive question before we went into the experience</p> <p>3 of testifying?</p> <p>4 (Thereupon, the requested testimony was</p> <p>5 read back as above recorded.)</p> <p>6 BY MR. STERN:</p> <p>7 Q As populated on Page 2 of Exhibit 4 of your</p> <p>8 deposition, you had mentioned EOIRs for your interest</p> <p>9 as the COR or COTR on the money question?</p> <p>10 A Yes.</p> <p>11 Q With respect to recruitment, on-boarding or</p> <p>12 hiring activities on this project?</p> <p>13 A Yes, sir.</p> <p>14 Q The first one lists a -- it says, "Tester</p> <p>15 (Hang's backfill)."</p> <p>16 What was a "Tester"?</p> <p>17 A So this would be a software tester. So</p> <p>18 after the developers have finished coding up a</p> <p>19 particular change to the software program, a tester</p> <p>20 will go in there and verify that it works correctly.</p> <p>21 Q Then the parenthetical next to the word</p> <p>22 tester is "Hangs Backfill."</p>	28	<p>1 What is the relationship of \$68.43 to the</p> <p>2 ISE2?</p> <p>3 A That would be the labor rate for that</p> <p>4 particular labor category.</p> <p>5 Q Labor category and hourly rate. That is</p> <p>6 the rate to be billed by the contractor to the</p> <p>7 government for this Hang backfill work?</p> <p>8 A That would be correct.</p> <p>9 Q Then underneath that there is a filled-in</p> <p>10 bullet point, "Emita Choudhury selected ISE3, \$81.48,</p> <p>11 six plus year of testing experience."</p> <p>12 What is your understanding of what that</p> <p>13 meant on this DCIO PM?</p> <p>14 A So the replacement had more experience,</p> <p>15 which would qualify for a higher labor category.</p> <p>16 Q ISE3, the \$81.48 rate is a higher labor</p> <p>17 category?</p> <p>18 A Than an ISE2, yes.</p> <p>19 Q Khalil justified that with the six plus</p> <p>20 years of testing experience in EOIR?</p> <p>21 A Correct.</p> <p>22 Q The next bullet point, "DotNet DEV, Srin's</p>

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8 (29 to 32)

29	<p>1 backfill. Interviewing candidates."</p> <p>2 What is "DotNet DEV"? What does that mean?</p> <p>3 A That would be somebody who is developing</p> <p>4 applications using Microsoft's DotNet framework and the</p> <p>5 language of choice we use is called C#.</p> <p>6 Q Srin, like Hang, is someone who had</p> <p>7 previously done that work and had left?</p> <p>8 A Correct.</p> <p>9 Q Status report underneath that is what?</p> <p>10 A Are you referring to the "interviewing</p> <p>11 candidates," sir?</p> <p>12 Q Yes. That immediately follows --</p> <p>13 A Yes.</p> <p>14 Q -- the DotNet DEV, Srin's backfill bullet</p> <p>15 point?</p> <p>16 A Yes.</p> <p>17 Q What is that topic about?</p> <p>18 A That would indicate that Camber would</p> <p>19 currently be out interviewing and looking for a</p> <p>20 replacement.</p> <p>21 Q What is the third bullet point in the DCIO</p> <p>22 for the September 9th weekly meeting, Page 2 of this</p>	31	<p>1 populated, "Opening req."</p> <p>2 What is that about?</p> <p>3 A That would indicate that Camber was opening</p> <p>4 a recruitment to go look for a new candidate.</p> <p>5 Q No discussion remarks under the "EOIR</p> <p>6 Security" bullet point on this agenda item?</p> <p>7 A No, sir.</p> <p>8 Q Nor on "Programming"?</p> <p>9 A None.</p> <p>10 Q Any discussion at the September 9th PM</p> <p>11 weekly meeting about the opening req or Ashok's</p> <p>12 backfill DotNet/SP DEV that we have been talking about?</p> <p>13 A Probably. I don't remember the discussion,</p> <p>14 but it would have been talked about because it's on the</p> <p>15 agenda.</p> <p>16 Q Turning to the third page of this exhibit,</p> <p>17 it's another e-mail from Atif to you and others. This</p> <p>18 time it is about agenda for the weekly program review</p> <p>19 for the following week, September 16, 2014?</p> <p>20 A Yes, sir.</p> <p>21 Q The page following is, in fact, the DCIO PM</p> <p>22 weekly agenda items for that meeting?</p>
30	<p>1 exhibit?</p> <p>2 A You would be referring to the</p> <p>3 "DotNet/SharePoint DEV Ashok's backfill"?</p> <p>4 Q Correct.</p> <p>5 A Yes.</p> <p>6 Q Compare and contrast the position</p> <p>7 "DotNet/SP DEV" to the DotNet DEV position for Srin's</p> <p>8 backfill.</p> <p>9 A DotNet/SharePoint would have the same skill</p> <p>10 sets as a DotNet developer with the addition of</p> <p>11 knowledge of the SharePoint platform.</p> <p>12 Q The DotNet/SP DEV, that was to backfill</p> <p>13 Ashok is that the way you pronounce it?</p> <p>14 A I think it was Ashok or Ashok. I can't</p> <p>15 remember 100 percent.</p> <p>16 Q It's Mr. Pai?</p> <p>17 A Mr. Pai.</p> <p>18 Q That was to backfill Mr. Pai?</p> <p>19 A Correct.</p> <p>20 Q Whom you understood had resigned?</p> <p>21 A Yes, sir.</p> <p>22 Q And the bullet point underneath that is</p>	32	<p>1 A Yes, sir.</p> <p>2 Q That you received from Khalil?</p> <p>3 A Yes, sir.</p> <p>4 Q There is only one reference to Ashok on</p> <p>5 this DCIO PM weekly, Page 3?</p> <p>6 A That is correct.</p> <p>7 Q Again, that is under the same</p> <p>8 "Recruiting/Hiring/On-boarding Activities"?</p> <p>9 A Yes, sir.</p> <p>10 Q The status remains "interviewing</p> <p>11 candidates"?</p> <p>12 A Yes, sir.</p> <p>13 Q Do you recall any discussion of that at the</p> <p>14 weekly meeting --</p> <p>15 A Beyond the -- no. No. I do not.</p> <p>16 Q There is no reference -- in either of the</p> <p>17 Ashok backfill bullet points that we have discussed so</p> <p>18 far, there is no reference to the labor category or</p> <p>19 dollar rate for the Ashok backfill?</p> <p>20 A No, sir.</p> <p>21 Q The September 16, 2014 DCIO that we are</p> <p>22 talking about right now, what is the bullet point</p>

Transcript of Howard Myatt
Conducted on March 28, 2018

16 (61 to 64)

61	<p>1 let me know when you are ready to discuss those</p> <p>2 "Contract or other provisions."</p> <p>3 A Okay. I am ready to answer your question,</p> <p>4 sir.</p> <p>5 Q Is Exhibit 7 to your deposition the</p> <p>6 collection of contract or other provisions described in</p> <p>7 Point Number four at the bottom of Page 2 of the</p> <p>8 attorney's cover letter?</p> <p>9 A Yes. That is the Statement of Work for</p> <p>10 this contract.</p> <p>11 Q Item Number 4 in the letter, which is the</p> <p>12 same as an item in the attachment to the subpoena,</p> <p>13 mentions Statement of Work regarding place of</p> <p>14 performance, exceptions or changes thereto.</p> <p>15 What provision or pages, if any, in this</p> <p>16 collection --</p> <p>17 A Hang on a second. I believe that would be</p> <p>18 Section 5.2 which outlines the place of performance.</p> <p>19 It's on Page 67 of the Statement of Work.</p> <p>20 Q The place of performance provision in</p> <p>21 substance says that the principal places of performance</p> <p>22 is EOIR located at and then the Falls Church address?</p>	63	<p>1 Q The second document is the proposal</p> <p>2 beginning on, following on the footer, Page 79?</p> <p>3 A Correct.</p> <p>4 Q Then beginning with Avaya's solutions going</p> <p>5 on from there.</p> <p>6 Where is that?</p> <p>7 A I believe the labor categories start on</p> <p>8 Page 13 of the proposal.</p> <p>9 Q And labor rates associated with those are</p> <p>10 on Page 15?</p> <p>11 A Yes, sir, they are. Those would be the</p> <p>12 rates that were in effect for the base year -- oh,</p> <p>13 excuse me. They also have -- they also have the option</p> <p>14 14 years on here, too.</p> <p>15 Q Those option years run through</p> <p>16 November 30th of 2012?</p> <p>17 A That would be correct, sir.</p> <p>18 Q I think you had referenced earlier when we</p> <p>19 were discussing some of the entries on agendas or ISEs,</p> <p>20 I believe you described them as Information Systems</p> <p>21 Engineers, ISE?</p> <p>22 A ISE is systems engineers. ISA would be</p>
62	<p>1 A Correct. That would be EOIR headquarters.</p> <p>2 Q Or the contractor's facility located at</p> <p>3 TBD, to be determined?</p> <p>4 A Correct.</p> <p>5 Q Then 5.2.1 lists EOIR's current immigration</p> <p>6 courts?</p> <p>7 A Yes, sir.</p> <p>8 Q It looks like there is, what, 59 of those?</p> <p>9 A At that time, yes.</p> <p>10 Q It would vary from time to time?</p> <p>11 A Correct.</p> <p>12 Q Is there any provision in this exhibit</p> <p>13 regarding exceptions or changes to place of</p> <p>14 performance?</p> <p>15 A No, sir.</p> <p>16 Q I believe you had mentioned or referred</p> <p>17 when we were discussing the ISA and ISE labor</p> <p>18 classifications that there was some reference in the</p> <p>19 contract or other provisions to that?</p> <p>20 A Yes, sir, there is. That would be in</p> <p>21 Avaya's proposal, which is the second document you have</p> <p>22 here.</p>	64	<p>1 systems analysts.</p> <p>2 Q On the labor rates, Page 15, I believe of</p> <p>3 the Avaya proposal document --</p> <p>4 A (Indicating.)</p> <p>5 Q -- there is Information System Analyst 1, 2</p> <p>6 and 3 listed?</p> <p>7 A Yes, sir.</p> <p>8 Q And there are four grades of ISEs,</p> <p>9 Information Systems Engineers?</p> <p>10 A Yes, sir.</p> <p>11 Q In the labor category sheet for minimum</p> <p>12 general experience, functional responsibility and</p> <p>13 minimum education, those are depicted starting on Page</p> <p>14 13 of the Avaya proposal?</p> <p>15 A Yes, sir, they are.</p> <p>16 Q And row number four, Information Systems</p> <p>17 Analyst 3, row number five, Information Systems Analyst</p> <p>18 2, and row number six, Information Systems Analyst 1</p> <p>19 are all depicted on Page 13?</p> <p>20 A Correct, sir.</p> <p>21 Q The agenda items characterize the person</p> <p>22 selected to backfill Ashok's position as ISA3. Yes?</p>

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Transcript of Howard Myatt
Conducted on March 28, 2018

17 (65 to 68)

65	67
1 A Let me verify.	1 and we will talk about that briefly.
2 Q It's referenced as Saritha.	2 A Okay.
3 A Yeah. I just want to make sure I get it	3 Q Have you seen the e-mail depicted in this
4 right. ISA3 and ISE3 are easy to confuse.	4 exhibit before I handed it to you today?
5 Q Sure.	5 A As part of this proceeding, no.
6 A Yes, sir. It was an ISA3.	6 Q All right. It is, though, an e-mail that
7 Q Returning to the attorney's cover letter,	7 you sent to Atif with a copy to your alternate COR --
8 Exhibit 2 to your deposition on Page 2, Exhibit 7, it	8 A David Fruehwald.
9 was responsive to Item Number 4, the contract or other	9 Q -- David Fruehwald on the "Subject:
10 provisions regarding place of performance?	10 Replacement of Ashok Pai on Wednesday, October 1, 2014"
11 A Yes.	11 at approximately 9:41 a.m?
12 Q And is it also responsive to Item 5,	12 A Yes, sir.
13 contract or other provisions regarding labor categories	13 Q And your salutation on it says, "Atif?"
14 applicable to the work performed by Ashok Pai?	14 A Yes, sir.
15 A Yes, sir, it is.	15 Q That is Atif Khalil. Yes?
16 Q Including ISA3 and ISA2?	16 A Yes, sir.
17 A Yes, sir.	17 Q PM for Camber at that time?
18 Q Directing your attention to a document	18 A Correct, sir.
19 labeled Exhibit 3, "Schedule B, Declaration Certifying	19 Q "Please proceed with replacement of Ashok
20 Authenticity of Records," it's a two-page document on	20 Pai from the DotNet team at the government's request,"
21 two sides on one sheet of paper.	21 period?
22 Take a look at it, and we will talk about	22 A (Indicating.)
66	68
1 it briefly.	1 Q Yes?
2 A Yes, sir.	2 A Yes, sir.
3 Q That is your signature on the bottom of the	3 Q All right. Had Atif discussed with you
4 second page?	4 making this request?
5 A Yes, sir, it is.	5 A I really don't recall. Maybe.
6 Q All right. Declaring that you have	6 Q Do you recall why you wrote this e-mail on
7 produced all records in your custody and control	7 that day?
8 responsive to Plaintiff's request?	8 A Not 100 percent. I believe they requested
9 A Yes, sir.	9 confirmation that we were going to backfill the
10 Q The records were made at or near the time	10 position.
11 of the occurrence of the matters set forth and so	11 Q "They" meaning Camber?
12 forth?	12 A That would be Camber, yes, sir.
13 A Yes, sir.	13 Q You had previously described in general
14 Q Dated March 23, 2018. Yes?	14 terms the documentary procedure that would have to be
15 A Yes, sir.	15 followed at EOIR to request removal of an employee.
16 Q Last Friday?	16 A Correct, sir.
17 A Last Friday.	17 Q This exhibit is not an example of a request
18 Q Next I'm going to direct your attention to	18 to remove an employee?
19 a single-page document labeled Exhibit 5 Myatt with an	19 A No, sir. This was October 1st after we had
20 EEOC production number 32 in the lower right-hand	20 already been informed that Ashok had resigned.
21 corner.	21 Q Do you know whose idea it was to have this
22 Let me know when you are ready to discuss,	22 written?

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Transcript of Howard Myatt
Conducted on March 28, 2018

19 (73 to 76)

73	75
1 reviewed prior to this meeting. Technically, the	1 SharePoint or DotNet?
2 budget sheets, which breaks out individual labor	2 A More than on the C# DotNet coding but the
3 categories for each individual.	3 app he was working on was sitting on top of a
4 Q When did you review those invoices or	4 SharePoint platform.
5 budget sheets?	5 Q Within the course of the program with EOIR,
6 A Prior to sending them to satisfy the	6 did the app being developed ever change in focus from
7 subpoenas.	7 primarily SharePoint-based to more DotNet-based?
8 Q Prior to sending them internally within	8 MR. STERN: Objection to the form.
9 DOJ?	9 A Yes, but I can't remember exactly when that
10 A Yes, sir.	10 shift happened.
11 Q All right. So you don't know whether those	11 BY MR. ORTBALS:
12 were ultimately then produced under the subpoena. Is	12 Q During the course of that shift, did you
13 that right?	13 have discussions with Atif Khalil about the need for
14 A That would be correct, sir.	14 more DotNet experience as opposed to SharePoint
15 Q It's up to -- DOJ Legal ultimately handles	15 experience?
16 the production of those documents in response to a	16 A I don't remember a specific discussion, but
17 subpoena. Is that right?	17 it is highly probable that we did.
18 A Yes, sir.	18 Q It wouldn't be unusual for you and Atif to
19 Q ISA P -- I'm sorry. An ISA3 bills less to	19 have discussion about the changing needs of the makeup
20 the government than a program manager.	20 of the team?
21 Does that look right?	21 A Requirements discussions are ongoing, yes.
22 A Hang on. Let me check. Yes, sir. That	22 Q As the requirements change, the needs of
74	76
1 would be correct.	1 the project change?
2 Q So would you expect an employee billing	2 A Correct.
3 less -- at a less hourly rate to be paid less than a	3 Q Would it be unusual in any way for the
4 program manager?	4 contractor, in this case Atif Khalil, to make
5 A That sounds reasonable, but you have no	5 recommendations to you as to how the contractor felt it
6 idea what Camber pays their employees. I just know	6 could best fulfill the needs of the projects?
7 what they bill the government.	7 MR. STERN: Objection to the form of the
8 Q Did Mr. Pai's duties primarily focus on	8 question, compound.
9 performing SharePoint architecture work?	9 A Could you narrow that down a little bit?
10 MR. STERN: Objection to the form of the	10 BY MR. ORTBALS:
11 question.	11 Q Well, I mean, let's stick with the idea of
12 BY MR. ORTBALS:	12 the focus of the project kind of shifting from
13 Q You can answer the question, sir?	13 SharePoint to DotNet.
14 MS. COLEMAN: Do you understand it?	14 Would it be unusual in any way for Atif to
15 A Could you clarify that just a little bit?	15 bring you proposed recommendations about how to help
16 You mean his duties on this particular contract and	16 make that shift happen?
17 project working for the government?	17 A By "recommendations," do you mean in the
18 BY MR. ORTBALS:	18 form of staffing changes?
19 Q Correct.	19 Q Correct. Or skill sets needed for the
20 A He was engaged as a software developer	20 makeup of the team in relation to skill set?
21 working on both DotNet and SharePoint applications.	21 MR. STERN: Objection as to form.
22 Q Did he have a particular focus between	22 A That would -- that would happen

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Transcript of Howard Myatt
Conducted on March 28, 2018

21 (81 to 84)

81	<p>1 the status reports.</p> <p>2 Q Well, there was a status report on</p> <p>3 "Risks/Issues" regarding Ashok Pai's departure. Right?</p> <p>4 A Yes, sir, there was.</p> <p>5 Q And that would be the September 30, 2014</p> <p>6 status report?</p> <p>7 A Yes, sir.</p> <p>8 Q I believe you testified earlier that you</p> <p>9 believed that that "Risks/Issue" discussion was about</p> <p>10 the Attorney Discipline Project that Ashok was working</p> <p>11 on. Is that correct?</p> <p>12 A Correct.</p> <p>13 Q Do you have an actual recollection of that</p> <p>14 discussion?</p> <p>15 MR. STERN: Objection as to form. You may</p> <p>16 answer the question.</p> <p>17 A Not really. I'm piecing it together from</p> <p>18 what that particular developer was working on at the</p> <p>19 time.</p> <p>20 BY MR. ORTBALS:</p> <p>21 Q So you know he was working on the Attorney</p> <p>22 Discipline Project around the time of his resignation?</p>	83	<p>1 A I do not know.</p> <p>2 BY MR. ORTBALS:</p> <p>3 Q And you don't know because you don't know</p> <p>4 what was discussed in that regard?</p> <p>5 MR. STERN: Objection as to form.</p> <p>6 A Once again, it's a meeting from four years</p> <p>7 ago. I do not recall the exact conversation.</p> <p>8 BY MR. ORTBALS:</p> <p>9 Q I think you mentioned earlier that there</p> <p>10 were three teams within the EOIR project.</p> <p>11 Is that correct?</p> <p>12 A Technically, there were more than that.</p> <p>13 There were three development teams.</p> <p>14 Q Three development teams that Camber was</p> <p>15 responsible for?</p> <p>16 A Correct.</p> <p>17 Q And then you mentioned one was</p> <p>18 DotNet/SharePoint. Is that correct?</p> <p>19 A Yes.</p> <p>20 Q The other one was Cold Fusion?</p> <p>21 A Correct.</p> <p>22 Q What was the other one?</p>
82	<p>1 A Correct.</p> <p>2 Q You don't, however, know what the specific</p> <p>3 risk issue was that was discussed with you on September</p> <p>4 the 30th of 2014?</p> <p>5 A I do not remember what was discussed at</p> <p>6 that meeting, no, sir.</p> <p>7 Q If Atif Khalil testified that he discussed</p> <p>8 with you that Ashok was trying to change his plans and</p> <p>9 not resign, you don't have any memory of that one way</p> <p>10 or another?</p> <p>11 MR. STERN: Objection as to form.</p> <p>12 A I do not recall any conversation of that</p> <p>13 nature, sir.</p> <p>14 BY MR. ORTBALS:</p> <p>15 Q All right. Are you saying that it didn't</p> <p>16 happen?</p> <p>17 A I'm saying I don't recall it, and I don't</p> <p>18 have a record of it.</p> <p>19 Q But it's possible that that was the risk</p> <p>20 issue that was discussed in this September 30, 2014</p> <p>21 meeting?</p> <p>22 MR. STERN: Objection as to form.</p>	84	<p>1 A COGNOS.</p> <p>2 Q COGNOS. All right.</p> <p>3 Ashok was on the DotNet/SharePoint team?</p> <p>4 A Correct.</p> <p>5 Q So when you sent the e-mail that is</p> <p>6 Exhibit 5 about proceeding with the replacement of</p> <p>7 Ashok Pai from the DotNet team at the government's</p> <p>8 request, that is a reference to the DotNet/SharePoint</p> <p>9 team. Is that correct?</p> <p>10 A That would be correct.</p> <p>11 Q They are not two separate teams?</p> <p>12 A They are a combined team.</p> <p>13 Q All right.</p> <p>14 A Two skill sets, but many of the people on</p> <p>15 there have both skill sets.</p> <p>16 Q So from your view, there is no distinction</p> <p>17 when you are requesting a replacement from the DotNet</p> <p>18 team versus DotNet/SharePoint?</p> <p>19 A Yes. We are looking for a particular skill</p> <p>20 set there.</p> <p>21 Q Was it your expectation after sending the</p> <p>22 e-mail that Mr. Pai was not going to remain on the</p>

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Transcript of Howard Myatt
Conducted on March 28, 2018

22 (85 to 88)

85	<p>1 DotNet team?</p> <p>2 MR. STERN: Objection as to form.</p> <p>3 A Well, we had been informed he had resigned,</p> <p>4 so I guess the answer would be yes.</p> <p>5 BY MR. ORTBALS:</p> <p>6 Q I mean, you did not expect -- you did not</p> <p>7 expect to have him replaced if he was going to remain</p> <p>8 there. Is that right?</p> <p>9 A I'm not sure what the question is there,</p> <p>10 sir.</p> <p>11 Q Well, I guess because I'm still not clear</p> <p>12 on -- the gentleman had already resigned. Is that</p> <p>13 correct?</p> <p>14 MR. STERN: Objection as to form.</p> <p>15 BY MR. ORTBALS:</p> <p>16 Q You had already been informed --</p> <p>17 A We had been informed on September 9th that</p> <p>18 he had handed in his resignation.</p> <p>19 Q You had also been informed that Camber was</p> <p>20 opening a requisition and starting the backfill</p> <p>21 process. Is that correct?</p> <p>22 A That is correct.</p>	87	<p>1 impact the contract, including dollar -- dollar level</p> <p>2 expenditures so that we don't overburn or under burn.</p> <p>3 Q So if Camber was already in the process of</p> <p>4 backfilling Mr. Pai's position and they were keeping</p> <p>5 you apprised of that, what was the need to send the</p> <p>6 e-mail on October 1st directing the replacement?</p> <p>7 MR. STERN: Objection as to form.</p> <p>8 A I'm not really sure. I just -- I do not</p> <p>9 remember the reason for sending the e-mail.</p> <p>10 BY MR. ORTBALS:</p> <p>11 Q Is that an e-mail that you would have sent</p> <p>12 in the normal process of backfilling somebody's</p> <p>13 position?</p> <p>14 A Occasionally, yes.</p> <p>15 Q What have been the reasons in the past that</p> <p>16 you have sent an e-mail similar to Exhibit 5 to the</p> <p>17 contractor?</p> <p>18 A Usually, it would be the PM requesting that</p> <p>19 he wanted something indicating that we still wanted</p> <p>20 that position -- that we still had the requirement.</p> <p>21 Q When you sent the e-mail, Exhibit 5, were</p> <p>22 you intending to discriminate against Mr. Pai based on</p>
86	<p>1 Q So from being informed of those two things,</p> <p>2 you had already been informed that Ashok Pai's</p> <p>3 replacement was underway. Is that correct?</p> <p>4 A We had been informed that Camber was</p> <p>5 looking for a replacement. Correct.</p> <p>6 Q In other words, this was not a scenario</p> <p>7 where a decision had been made to downsize the position</p> <p>8 or not backfill it?</p> <p>9 MR. STERN: Objection as to form.</p> <p>10 A I'm not sure what you mean by "downsizing."</p> <p>11 Can you elaborate?</p> <p>12 BY MR. ORTBALS:</p> <p>13 Q The position had not been eliminated from</p> <p>14 the program. It was going to be backfilled?</p> <p>15 A Yes. We still had a requirement for DotNet</p> <p>16 SharePoint development.</p> <p>17 Q All right. I think, as we have seen today,</p> <p>18 generally speaking, these weekly meeting agenda items</p> <p>19 are where Camber informed you as to progress on</p> <p>20 staffing and backfilling open positions.</p> <p>21 Is that correct?</p> <p>22 A Typically, along with other things that</p>	88	<p>1 his age in any way?</p> <p>2 A No, sir.</p> <p>3 Q When you sent the e-mail, Exhibit 5, were</p> <p>4 you intending on discriminating against Mr. Pai based</p> <p>5 on his son's disability?</p> <p>6 A No, sir.</p> <p>7 Q Did you know anything about Mr. Pai's son?</p> <p>8 A Not a lot. We had a request from Atif to</p> <p>9 allow Mr. Pai to telework once or twice a week in order</p> <p>10 to accommodate a family medical issue, and we approved</p> <p>11 that request.</p> <p>12 Q When was that request made?</p> <p>13 A I don't have an exact record of it. It</p> <p>14 would have been prior to his resignation in September.</p> <p>15 So sometime that summer, probably.</p> <p>16 Q Sometime in the summer of 2014?</p> <p>17 A Correct.</p> <p>18 Q It is your understanding that that was made</p> <p>19 with respect to Mr. Pai's son's condition?</p> <p>20 A Yes, sir.</p> <p>21 Q Not his wife's medical condition?</p> <p>22 A I was not aware his wife had a medical</p>

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Transcript of Howard Myatt
Conducted on March 28, 2018

23 (89 to 92)

89	91
1 condition.	1 A Correct.
2 Q Who brought -- and it was Atif that brought	2 Q The listing of the various immigration
3 the request to allow him, Mr. Pai, to telework.	3 courts' locations throughout the United States is not a
4 Is that correct?	4 statement about the place of work?
5 A Correct.	5 A For the most part, no. If you read the
6 Q And the telework, that was viewed from you	6 contract carefully, originally when Avaya was awarded a
7 as accommodation. Is that right?	7 contract, they were provided a system called Digital
8 MR. STERN: Objection as to form.	8 Audio Recording, which was actually installed at the
9 BY MR. ORTBALS:	9 different courts. So it was possible some of the Avaya
10 Q Let me ask it this way: The folks from	10 people would have to go out there and troubleshoot a
11 Camber that were working on the EOIR project were	11 problem with it.
12 working in person in Falls Church?	12 That work in a later mod was transitioned
13 A On site at Falls Church, correct.	13 from Avaya to another contractor.
14 Q They generally were not permitted to	14 Q That was before the Camber acquisition?
15 telework?	15 A Yes, I believe so. I would have to look up
16 A Typically, no. But we have done telework	16 the specific mod, but that is why those courts are
17 arrangements for specific cases. We had a DVA that	17 listed under place of performance along with
18 broke her ankle and couldn't drive for a couple of	18 headquarters.
19 months, so we allowed her to work from home.	19 Q And the folks from Camber under the EOIR
20 We had -- we had done it for a couple of	20 project were not working in those different
21 ladies that were pregnant, during their pregnancies.	21 courthouses?
22 Q So you provided those as accommodations to	22 A No, they were not.
90	92
1 allow them to continue working?	1 Q All right.
2 MR. STERN: Objection as to form.	2 A Not at that point in time.
3 A Contingent upon them still being able to	3 Q Do you know how long the telework
4 perform their duties as required, yes.	4 accommodation for Mr. Pai was approved?
5 BY MR. ORTBALS:	5 A Not exactly, no.
6 Q When their medical conditions or their	6 Q Was it a matter of months or weeks?
7 pregnancies were completed, they came back and	7 A I believe months. It was a couple of
8 physically worked at EOIR. Is that correct?	8 months he was doing -- he was on telework and it was
9 A Yes, sir.	9 one or two days a week. It was not continuous
10 Q So you have not approved a permanent	10 telework.
11 telework position on the EOIR project?	11 Q Was it your understanding that those were
12 A No, sir.	12 times when he was traveling back to California?
13 Q And the expectation is that absent some	13 A I did not realize he lived in California.
14 type of accommodation that is granted, the workers on	14 Q All right. But you knew he needed to be
15 the project are going to be physically present at the	15 gone for something to do with his son's medical
16 office in Falls Church, Virginia?	16 condition?
17 MR. STERN: Objection as to form.	17 A We were told his son had some sort of
18 A That would be the statement in the contract	18 medical issue that he needed to be there to take care
19 under the place of performance.	19 of.
20 BY MR. ORTBALS:	20 Q And that was Mr. Khalil that requested that
21 Q The place of performance is Falls Church,	21 accommodation?
22 Virginia in the contract?	22 A Correct.

Transcript of Howard Myatt
Conducted on March 28, 2018

24 (93 to 96)

93	<p>1 Q Why did that accommodation end?</p> <p>2 A I don't actually remember us ending it, now</p> <p>3 that you mention it. I think it was still in place at</p> <p>4 the time he resigned.</p> <p>5 Q Was that accommodation discussed at these</p> <p>6 weekly meetings between you and --</p> <p>7 A I don't remember exactly when we discussed</p> <p>8 it, but it would have been verbally approved because I</p> <p>9 don't have a written record of it.</p> <p>10 Q What do you understand the nature of</p> <p>11 Mr. Pai's son's medical condition to be?</p> <p>12 A I have no idea.</p> <p>13 Q So it sounds like you were just made aware</p> <p>14 that he had some type of medical issue?</p> <p>15 A Correct, sir.</p> <p>16 Q Do you remember anything else that</p> <p>17 Mr. Khalil told you about the circumstances surrounding</p> <p>18 Mr. Pai's need for telework?</p> <p>19 A No, sir, it was a pretty straightforward</p> <p>20 request.</p> <p>21 Q Could Camber have approved Mr. Pai to</p> <p>22 permanently work for EOIR from California?</p>	95	<p>1 status reports, every couple of months there tends to</p> <p>2 be somebody on-boarding and somebody off-boarding.</p> <p>3 Q And updates about the staffing of the</p> <p>4 project were routinely made to you. Is that correct?</p> <p>5 A Yes, sir.</p> <p>6 Q So there was nothing in particular about</p> <p>7 Mr. Pai's situation that was unusual in your mind?</p> <p>8 A It didn't stand out, no.</p> <p>9 Q Had you ever heard Mr. Khalil say anything</p> <p>10 disparaging about Mr. Pai's age?</p> <p>11 A No, sir.</p> <p>12 Q Have you ever heard Mr. Khalil say anything</p> <p>13 disparaging about Mr. Pai's son's disability?</p> <p>14 A No, sir.</p> <p>15 Q Had you ever heard any other Camber</p> <p>16 employee make a disparaging comment about Mr. Pai's</p> <p>17 age?</p> <p>18 A No, sir.</p> <p>19 Q Had you ever heard any other Camber</p> <p>20 employee make a disparaging comment about Mr. Pai's</p> <p>21 son's disability?</p> <p>22 A No, sir.</p>
94	<p>1 MR. STERN: Objection as to form.</p> <p>2 A I don't think so. I would have had to have</p> <p>3 taken that one up with the contracting officer.</p> <p>4 BY MR. ORTBALS:</p> <p>5 Q And is that because it would have involved</p> <p>6 changing the place of performance?</p> <p>7 A Possibly. That would be what I would have</p> <p>8 to discuss with the contracting officer.</p> <p>9 Q But it sounds like it is certainly not a</p> <p>10 decision that Camber could make on its own?</p> <p>11 MR. STERN: Objection as to form.</p> <p>12 A I would have required network access for</p> <p>13 somebody to work remote. The network access would have</p> <p>14 to be approved by a government employee in order for</p> <p>15 them to access our systems.</p> <p>16 So for any hands-on access, they would need</p> <p>17 me to approve their DOJ Connect account.</p> <p>18 Q When Mr. Khalil informed you about Mr. Pai</p> <p>19 resigning, that wasn't unusual in any way.</p> <p>20 Is that correct?</p> <p>21 A There is generally a fair amount of</p> <p>22 turnover on any contract. So as you can see from the</p>	96	<p>1 Q Are there any other accommodations that you</p> <p>2 were asked to make for Mr. Pai that you recall?</p> <p>3 A None that I remember. Just the telework.</p> <p>4 Q Did you ever express any concerns about</p> <p>5 Mr. Pai's attendance to Camber?</p> <p>6 A No, sir.</p> <p>7 Q Did you ever have any concerns that Mr. Pai</p> <p>8 was being discriminated against because of his age or</p> <p>9 his son's disability?</p> <p>10 A No, sir, I did not.</p> <p>11 Q I believe earlier when Mr. Stern asked you</p> <p>12 about whether EOIR had changed their requirements per</p> <p>13 Mr. Pai's position, you thought for a moment, and then</p> <p>14 your response was "the short answer is no."</p> <p>15 Is that right?</p> <p>16 A Yes, sir.</p> <p>17 Q What did you mean by "the short answer is</p> <p>18 no"?</p> <p>19 A We don't set a labor category on a</p> <p>20 position-by-position basis as the government.</p> <p>21 What we do is, we tell the contractor,</p> <p>22 "Here is the work we are planning to do."</p>